

BOARD OF COUNTY COMMISSIONER
Leon County, Florida
February 10, 2004
Minutes
Draft

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The Board of County of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Jane Sauls followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- a. Chairman Sauls presented the attached Resolution to Chris Floyd of the American Red Cross, in recognition of the American Red Cross "Disaster Resistant Neighborhood" Program. Mr. Floyd circulated to the Board the Hazardous Weather Awareness Guide and a Citizens Coordination Preparedness Guide for Manmade disasters and Terrorist Events. Mr. Floyd gave a poncho and a poster to each Commissioner.
- b. Chairman Sauls, on behalf of the Board, gave a special welcome home to the Alpha Company, 3rd Battalion of the 124th Infantry, who arrived this past weekend. The Board thanked the Alpha Company and their families for their dedication and service to this country. Commissioner Grippa requested support for putting up a large yellow ribbon, a welcome home sign and a thank you sign at the Courthouse. The Chairman would coordinate this effort.

Consent

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve the following Consent Agenda with the exception of Item 7, which was pulled and addressed as described below: (Items 4 and 5 were originally requested to be pulled pursuant to a citizen request, but they were not present to address the Board, therefore the items were approved under Consent.

1. Approval of Minutes for: January 27, 2004 Regular Meeting

The Board approved Option 1: Approve the Minutes of January 27, 2004 Regular Meeting.

2. Approval of Bills and Vouchers Submitted for February 10, 2004 and Pre-approval of Bills and Vouchers Submitted for February 11 through February 23, 2004

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for February 10, 2004 and pre-approve payment of bills and vouchers for the period of February 11, 2004 through February 23, 2004: \$7,875,787

3. Approval to Transfer \$31,750 from Family Mediation Services Fund 114 Unappropriated Fund Balance to Supplement the Mediation Services Budget for FY 2003/2004

The Board approved Option 1: Approve the transfer of \$31,750 from Family Mediation Services (fund 114) unappropriated fund balance to supplement Mediation Services, and approve the attached resolution and budget amendment:

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4. Request to Schedule Public Hearing on Proposed Ordinance Providing for Salaries of Members of the Board of County Commissioners on Tuesday, February 24, 2004

The Board approved Option 1: Direct staff to advertise the proposed ordinance for public hearing on February 24, 2004, providing for salaries for the Board of County Commissioners.

5. Approval of Revisions to Policy 03-05, Code of Ethics and Request to Schedule a Public Hearing for Amendment to the Leon County Administrative Code

The Board approved Options 1 and 2: 1) Approve the proposed revisions to Policy No. 03-05, Code of Ethics; 2) Schedule a public hearing to adopt the proposed amendment to the Leon County Administrative Code for Tuesday, February 24, 2004 at 6:00 p.m.

6. Approval of Acceptance of Property Owner's Offer to Convey Parcel 202 Property Needed for Orange Avenue Widening Project

The Board approved Options 1 and 2:

- 1) Approve the counteroffer to convey to the County the Parcel 2003 property needed for the Orange Avenue Widening Road Project and to accept, as full compensation for the conveyance, the monetary amount of \$34,848 and the non-monetary elements as follows: Construction of a berm adjacent to the SWMF as approved by staff in meetings with the HOA representatives; construction of a shadow box fence adjacent to the SWMF, as approved by staff in meetings with the HOA representatives; installation of landscaping around the berm, as approved by staff, in order to alleviate as much as possible any negative visual impacts of the SWMF and the Road project.
- 2) Direct the County Administrator to execute any and all documents necessary to complete the acquisition of the Parcel 202 property.

7. Approval to Award \$100,000 to Cornerstone Group for Construction of Low-Income Multi-Family Rental Housing Units from State Housing Initiatives Partnership (SHIP) Funds

This item seeks Board approval to award \$100,000 to Cornerstone Group for construction of affordable rental housing units to benefit very low- and low-income households in the unincorporated area of Leon County, using State Initiatives Partnership (SHIP) funds.

The Board pulled this item and the Chairman noted that the DRC (Development Review Committee) denied the application due to the need for a rezoning. Wayne Tedder, Planning Department, explained that the project is undergoing a review for rezoning; currently the DRC has made a recommendation to the Planning Commission for denial and the Planning Commission will review the application tomorrow morning and the recommendation will be forwarded to the Board on March 9, 2004; the rezoning application will be for a planned unit development (PUD). County Administrator Alam explained that a rezoning would be brought back at a public hearing. Commissioner Winchester advised, that from a planning perspective, it appears to be a good project for the subject area. Joe Sharp, Health and Human Services Director, explained that this project involves affordable multi-family homes.

8. Acceptance of the 2003 Annual Report from the Leon County Countywide Citizens

The Board approved Option 1: Accept the 2003 Annual Report from the Leon County Countywide Citizens Water Resources Committee.

9. Approval to Initiate the Ordinance Adoption Process to Implement the Sunsetting of Vested Development Rights for Residential Developments

The Board approved Option 1: Authorize staff to present the proposed revisions to the County's Land Development Code and implementing the Concurrency Management Policies and Procedures Manual to provide for the sunsetting of vested rights for residential development to the Planning Commission for a consistency determination, and schedule two required Board public hearings to consider the adoption of the recommended revisions.

10. Acceptance of the 2003 Annual Report of the Board of Adjustment and Appeals

The Board approved Option 1: Accept the Board of Adjustment and Appeals 2003 Annual Report.

11. Request to Schedule a Public Hearing for the Proposed Abandonment of the West 200 feet of Whitaker Road for March 9, 2004 at 6:00 p.m.

The Board approved Option 1: Schedule the public hearing to consider the Whitaker Road abandonment request for March 9, 2004 at 6:00 p.m.

12. Authorization to Execute Agreement with Sutron Corporation for the Implementation of the Capital Area Flood Warning Network

The Board approved Option 1: Approve the agreement with Sutron Corporation for the implementation of the Capital Area Flood Warning Network in the amount of \$244,867, and authorize the Chairman to execute.

13. Ratification of Actions Taken at the January 13, 2004 Workshop on Total Maximum Daily Loads (TMDL) Program and Impacts

The Board approved Option 1: Ratify Board actions taken and direction given at the January 13, 2004 Workshop on Total Maximum Daily Loads (TMDL) Program and Impacts

- Continue with State of Florida administrative process regarding the proposed TMDLs for Upper Lake Lafayette
- Authorize the use of the Contingent Liability Account to support legal, technical and personnel costs up to \$400,000 (see attached budget amendment)
- Designate a Commission liaison to meet with the City Commission designee on disputed treatment limits in anticipation of a dialogue with the full commissions

14. Request to Approve Travel Expenses for Commissioner Thael to Attend University of Florida IFAS Extension Training Program in Gainesville, January 28-29, 2004.

The Board approved Option 1: Approve travel expenses as requested.

Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

Mona Lisa Abbott, Lake Heritage, appeared and explained how the "no trespassing citation" that she received came about when she made a visit and subsequent drive around the landfill without an escort, which is required pursuant to Board policy. She stated that there was evidence that Class I garbage was being put at the landfill, when only Class III should be allowed. Ms. Abbott requested that the Board rescind the citation.

Glen Abbott, Lake Heritage, appeared and explained that he received a letter from the County indicating that his wife, Mona Lisa Abbott, could visit the landfill Monday through Saturday. When she arrived on Saturday, there was no one there to escort her around. He stated that if someone comes to the landfill as a critic, they are required to have an escort, but if a person comes to dump garbage, they would not need an escort. Mr. Abbott suggested that this is a First Amendment violation and requested that the Board rescind the "no trespassing citation" his wife received.

General Business

15. Update on Water Quality Issues and Funding Ratification

This agenda item provides a status report to the Board on efforts to protect County waters from contamination originating in Georgia, and on actions regarding the state and federal TMDL program. The agenda item also requests that the Board ratify previously authorized funds so that those amounts can be incorporated into the fiscal year 2004 budget and applied to ongoing expenses.

County Attorney Thiele explained that currently there are major items ongoing:

- Investigation of the Ochlockonee River, Lake Talquin, Lake Iamonia issue as it relates to the City of Cairo, Georgia, sewage treatment plant. Information will be provided to the Board the end of February or first part of March. The water sampling issues are almost complete
- The Grady County, Georgia issue is being monitored – they propose to dam up one of the main tributaries to the Ocholochonee River thus causing the water volume to be depleted as much as four years. Grady County has not applied for a permit yet, so the Board has not taken a formal action.
- Staff is working on the TMDL project with the Department of Environmental Protection and the City of Tallahassee. Commissioner Thael is the liaison and a meeting is scheduled for February 24 to start initial discussions. Staff hopes to work this out amicably but if not, the County would need to go forward with administrative proceedings and would need necessary funding for staffing, consultants, and studies.
- The County has not become involved in the Decatur County Landfill issue.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried 5 – 1 (Commissioner Proctor voted in opposition and Commissioner Winchester was out of Chambers), to approve Options 1, 2, and 3, with a modification as recommended by Commissioner Grippa and shown in the underline:

- 1) Approve the attached budget amendment and resolution, and ratify the \$250,000 previously authorized by the Board on September 16, 2003, for the City of Cairo investigation and filing of a lawsuit, to enable those funds to be added to the County Attorney's Office budget and earmarked for those efforts;
- 2) Approve the attached budget amendment and resolution, and ratify the \$400,000 previously authorized by the Board during the TMDL workshop on January 13, 2004 for the funding of staff positions and legal and consulting assistance related to TMDLs affecting County lakes and streams, to enable those funds to be added to the Public Works and County Attorney's Office budgets for those purposes;
- 3) Authorize the County Attorney's office to investigate and prepare for possible opposition to the proposed landfill for Decatur County, and identify and authorize an appropriate budget for the same;

The motion included that staff bring back specific language regarding a Charter Amendment for a joint stormwater utility.

16. Update on Potential Purchase of Fallschase by Heritage Development Company

Representatives of the Heritage Development Company (Heritage Development), located in Moreland Hills, Ohio, seek to update the Board on a proposal for an option to purchase and develop the property known as Fallschase. County Administrator Alam explained that the developers (Heritage Development) are negotiating a purchasing option for Fallschase. They have met with staff and would like to make a presentation to the Board on their proposal.

The following citizens appeared:

Ms. Nancy Linnan, representing Heritage Development Company, appeared and provided an update on a proposal for an option to purchase and develop the Fallschase property and laid out the process for approval and commitments that would be needed from the County. She introduced Henree Martin, broker for the project; Rob Benjamin, Director of Residential Sales/Project Manager; Tom O'Stein, consultant. She stated that she has met, individually, with Commissioners and the Buck Lake Alliance. The company plans to purchase Fallschase property and intend to close approximately April 1st. Because the property has received so much public comment, they plan to conduct a public meeting. They have met with Buck Lake Alliance who will be the most affected by the project, since it is at the entrance to their community. Heritage Development will be willing to work with them on the project.

Ms. Linnan stated that the company plans to meet the Comp Plan and current EMA requirements except as to the following issues; they plan to meet the 1-1/8 inch stormwater treatment standard, above the 51-foot contour line, which is the end of the floodplain or lake bottom. They will treat the water within the closed basin but will need to transfer that water into another stormwater pond; she feels that they can meet the requirements.

Thomas O'Stein, Moore Bass Consulting, Inc., described the proposed plan of development using the visualizer. The proposed plan is conceptual and allocates land

uses across the bulk of the Fallchase property; it is a combination of commercial, multi-family, and single-family residential development; they plan to place "pocket parks" throughout the development. 1
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Zoe Kulakowski, 1320 Blockford Court West, representing Buck Lake Alliance, advised that John Dew and Carlos Alvarez have met with the developer's representatives and are waiting for details. She stated that residents have some concerns regarding traffic, stormwater, and other issues.

Commissioner Rackleff raised issues regarding the proposed development involving traffic, size of commercial area, stormwater, open green space, slopes of land, and loss of trees. He requested that staff perform a review, hold the developer to the highest standards, that staff furnish information regarding the establishment of a Community Development District for Fallschase, and obtain documents regarding compliance with statutory reporting requirements.

Commissioners expressed preliminary support for the proposed sale and future development by Heritage Development.

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1: Acknowledge receipt of the Heritage Development Fallschase Project proposal and direct staff to bring back an agenda item with comprehensive evaluation and analysis of the project at the appropriate time following formal submittals.

The Board then entered into Public Hearings, Item 21.

17. Ratification of Actions taken at the January 27, 2004 Downtown Community Redevelopment Area (CRA) Workshop

This item seeks Board ratification of the actions taken at the Workshop on the Downtown Community Redevelopment Area (CRA) held on January 27, 2004.

Commissioner Grippa advised that he has been meeting with City Commissioner Mustian on this issue and they are not in complete agreement but the recommended options are a step forward. He explained that he is proposing an interlocal agreement, which would not be a statutory CRA thus preserving the County's home rule charter. It would have a 30-year life, would be based on a 4.5 % property tax growth (meaning any growth in addition to 4.5% would revert back to the County and the City on a pro rata basis) and those dollars would be used for other projects.

Commissioner Thaele moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of Chambers), to extend the meeting to 11:30 p.m.

Commissioner Grippa gave a summary of the proposed Downtown CRA draft proposal in an effort to resolve the issue:

- County would pay \$497,000 TIF (tax increment financing) payment for Frenchtown CRA
- There would be a 30-year Downtown CRA duration from the date of adoption

- There would be a County TIF payment based on a property tax growth rate not to exceed 4.5%
- Equalized City/County millage rates
- MSTU (municipal services taxing unit) reduction
- County representation on the Community Redevelopment Agency
- Require quarterly meetings of the Agency
- Establish a citizens review committee to perform 5-year reviews and make recommendations
- County TIF payments limited to the costs associated with purchases of land and improvements to infrastructure

Commissioner Grippa moved and was duly seconded by Commissioner Maloy to approve Option 1: Ratify the Board's action taken on January 27, 2004 Workshop on the Downtown CRA.

County Attorney Thiele requested guidance regarding scheduling the conflict resolution process.

Commissioner Proctor raised the issue of the City having two separate trust accounts for one CRA and suggested that this is a violation of the 14th amendment's "Equal Protection" clause.

Following additional discussion, the Board added to the motion, an amendment, that the County Attorney shall review the proposed interlocal agreement and submit to the City on Wednesday, February 11, 2004; the County will discontinue any public information/relations campaign; allow Commissioner Grippa and City Commissioner Mustian to proceed with the scheduled formal conflict resolution meeting, while continuing negotiations for a resolution; and the County will pay the \$497,000 TIF to the City.

Commissioner Proctor offered a friendly amendment, accepted by the maker of the motion, to direct the County Attorney to investigate whether the "Equal Protection clause" of the 14th Amendment applies to the Downtown and Frenchtown CRAs.

The motion, as amended, with the friendly amendment carried unanimously, 6/0 (Commissioner Winchester was out of Chambers).

18. Authorization to Negotiate a Contract with McGlynn Laboratories, Inc. to Provide Water Sampling for the Killearn Lakes Septic to Sewer Initiative to Comply with Blueprint 2000 Water Quality and Stormwater Program Fund Criteria

The Board is requested to authorize staff to negotiate additional services with McGlynn Laboratories, Inc., to support Blueprint 2000 Stormwater and Water Quality Enhancement Program funding for the Killearn Lakes Septic to Sewer Initiative. The proposed sampling will be funded from the Stormwater Professional Services account, in an amount not to exceed \$50,000.

Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 6/0 (Commissioner Winchester out of Chambers), to approve Option 1: Direct staff to contract for additional services with McGlynn Laboratories, Inc., to provide sampling to comply with Blueprint 2000 Water Quality and Stormwater Program Fund criteria. The proposed sampling will be funded from the Stormwater Professional Services account, in an amount not to exceed \$50,000.

19. Board Consideration of a Volume Control Ordinance

The Board engaged in discussion regarding a Volume Control Ordinance.

Carol Kio-Green, 4823 Sullivan Road, appeared and commended the Board on the proposed ordinance and indicated that it would result in cost-savings and the developers could start paying for some of the costs.

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to approve Option 1 as amended shown in underline: Direct staff to obtain comments from the GEM Citizens User Group, Science Advisory Committee and Water Resources Committee on the proposed Volume Control Ordinance, and bring to the Board an agenda request for consistency review by the Planning Commission and a request to schedule two public hearings; in addition, direct staff to review advantages and disadvantages of a Volume Control Ordinance, examine the language of Volume Control Ordinance as compared to the language of the Comprehensive Plan amendment for tributary and waterbody buffers in the Lake Lafayette SDZ (special development zone), bring back to the Board information and a plan regarding regional stormwater ponds, and the County should work with other groups such as the EDC, Builders Association, etc.

The motion carried unanimously, 6/0 (Commissioner Winchester was out of Chambers.)

20. Expirations, Vacancies and Appointments to: Fort Braden Recreation Council, GEM Citizens User Group, and Miccosukee Recreation Council

1. Fort Braden Recreation Council
Commissioner Grippa reappointed Randy Crisp.
Commissioner Maloy reappointed Randy Boseman.
Commissioner Rackleff reappointed Connie Norman.
Commissioner Sauls reappointed Jeannie Hardy.
Commissioner Thael reappointed Darlene Poppell.
2. GEM Citizens User Group
Commissioner Proctor appointed April Asker.
3. Miccosukee Recreation Council
Commissioner Grippa reappointed Mary Young.
Chairman Sauls reappointed Perry Duhart.
Commissioner Thael reappointed Doby Flowers
4. Woodville Recreation Council
Commissioner Rackleff appointed Phyllis Hurst.

Scheduled Public Hearings, 6:00 p.m.

21. Joint City/County Transmittal Hearing on Cycle 2004-1 Comprehensive Plan Amendments

Pursuant to legal advertisement, a joint City/County transmittal public hearing on Cycle 2004-1 Comprehensive Plan amendments was conducted in the Leon County Commissioner Chambers. The Board of County Commissioners of Leon County were present: Chairman Sauls, Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. City Commissioners present were: Mayor Marks, Commissioners Mustian, Lightsey, Gillum, and Mustian. Also present were Assistant City Manager Michael Wright, Assistant City Attorney Linda Hurst, County Administrator Alam and County Attorney Thiele.

County Chairman Sauls called the meeting to order at 6:15 p.m. for a joint public hearing on Cycle 2004-1 Amendments to the 2010 Tallahassee-Leon County Comprehensive Plan (Comp Plan).

Planning Director Wayne Tedder announced that public input would be accepted prior to the City and County Commissions attempting to reach consensus on the amendments on which they held differing positions. He stated that this would be followed by taking separate City and County Commission votes on the transmittal of the tentatively approved amendments to the Florida Department of Community Affairs (FDCA) for review as to consistency with the State Comprehensive Plan regulations.

The following citizens appeared and gave public comment:

Mr. Paul G. Johnson, 537 Hickory Wood Drive, Crawfordville, Florida 32327, representing Save Wakulla's Springs, Inc., appeared before the Joint Commission and discussed his concern with the stormwater from the City of Tallahassee and Leon County, particularly wastewater treatment, working its way into Wakulla Springs and the aquifer, having an effect on all citizens. He announced that the organization was opposed to Comp Plan Amendments 2004-1-M-001, 2004-1-M-003, 2004-1-M-004, 2004-1-M-005, 2004-1-M-006, and 2004-1-M-007.

Mr. Louis A. Maige, 1250 Dove Roost Trail, appeared before the Joint Commission and requested clarification of commercial recreation as opposed to residential recreation. He indicated support of the Carol Kio-Green amendments and urged approval of them.

Mr. Neil Fleckenstein, 13093 Henry Beadel Drive, representing Tall Timbers Research Station, appeared before the Joint Commission and discussed his opposition to making land use changes in residential areas. He expressed support for Amendment 2004-1-T-012.

Ms. Carol Kio-Green, 4823 Sullivan Road, appeared before the Joint Commission and discussed the need for Amendments 2004-1-T-016, -T-017 and -T-018. She suggested that the Land Use Matrix be reviewed for accuracy and updated in the next cycle of amendments.

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Ms. Becky Subrahmanyam, 1257 Cornerstone Lane, appeared before the Joint Commission and discussed her objection to the Seminole Raceway being allowed near her home. She urged the Commissions to protect her residential neighborhood from Commercial Recreation uses and urged the adoption of the Kio-Green amendments, Amendments 2004-1-T-016, -T -017 and -T-018.

Ms. Zoe Kulakowski, 1320 Blockford Court West, appeared before the Joint Commission and expressed his support for proposed Amendment 2004-1-T-012, especially with regard to locating Conservation Subdivisions in Urban Fringe, not Rural land use districts. He stressed the importance of them being permitted with well-developed, comprehensive land development regulations.

Mr. Kulakowski also discussed his concern with proposed Amendment 2004-1-T-015, noting the need for sediment barriers further up the slopes. He cautioned that the slopes amendment should provide for the exception rather than the rule, noting that sediment could end up in the streams.

Mayor Marks determined from County Attorney Thiele that the litigation against allowing Seminole Raceway on Highway 20 was currently in appellate court.

Consent Items

County Commissioner Grippa pulled proposed Amendments 2004-1-T-013 and -T-015 from the Consent Items.

Amendment 2004-1-T-015

County Commissioner Winchester expressed concern with the City Commission's recommendation of off-site mitigation for significant grades, and stated his preference for on-site mitigation. He suggested restricting mitigation to inside the Urban Service Area (USA) and redefining significant grades to 15-25%, noting that he would rather see a definitional change.

Discussion centered on the significant grades amendment with staff providing clarification that there was a hierarchy of options for development and the USA was too large for the off-site mitigation option. Commissioner Lightsey pointed out this was an urban sprawl containment policy, and the geographic location had been chosen based on being in the Urban Core, noting that the USA was a 20-year planning area with no existing infrastructure. She stated that this amendment allowed additional development to preclude urban sprawl.

County Commissioner Grippa suggested identifying the urban properties around Capital Circle south of Interstate 10, and suggested that this amendment would weaken the environmental standards. County Commissioner Grippa moved and was duly seconded by Commissioner Winchester to deny Amendment -T-015.

County Commissioner Rackleff stated his agreement with the need for more infill strategy and indicated he could support the approval of Amendment -T-015.

The County's motion carried 6 – 1 (Commissioner Rackleff voted in opposition).

Mayor Marks pointed out the Local Planning Agency (LPA) had voted to deny this amendment prior to the staff's modification of the amendment.

City Commissioner Katz moved to confirm the City Commission's previous affirmative vote to approve Amendment -T-015 as modified and Commissioner Gillum seconded the motion.

City Commissioner Lightsey ascertained from Assistant City Attorney Hurst that the definition of significant grades could not be changed without changing the Comprehensive Plan.

The vote of the City Commission carried unanimously, 5/0, in favor thereof.

Amendment 2004-1-T-013

County Commissioner Grippa urged the approval of proposed water quality Amendment 2004-1-T-013.

City Commissioner Lightsey moved to reaffirm the City Commission's previous vote to deny proposed Amendment 2004-1-T-013 and Commissioner Gillum seconded the motion.

Brief discussion focused on progress being made by City Commissioner Lightsey and County Commissioner Thael in negotiating stormwater issues, and the vote of the City Commission was unanimous, 5/0, in favor thereof, denying Amendment -T-013.

Approval of Remaining Consent Items for Transmittal

County Commissioner Grippa moved and was duly seconded by County Commissioner Thael to approve for transmittal the remaining Consent items, including Amendments 2004-1-M-001, -M-002, -M-003, -M-004, -M-005, -M-006, -M-007, -T-010, -T-011, -T-012, -T-019, -T-020 and -T-021. The motion carried unanimously, 6/0 (Commissioner Maloy was out of Chambers), in favor thereof.

City Commissioner Katz moved to approve for transmittal the approved Consent items, including Amendments 2004-1-M-001, -M-002, -M-003, -M-004, -M-005, -M-006, -M-007, -T-010, -T-011, -T-012, -T-015, -T-019, -T-020 and -T-021 and upon second by City Commissioner Lightsey, the vote of the City Commission was unanimous, 5/0, in favor thereof.

DISCUSSION ITEMS

Amendment 2004-1-T-014

Discussion focused on proposed Amendment 2004-1-T-014, establishing right-of-way protection for future transportation facilities. County Commissioner Proctor determined from Mr. Tedder that this policy would not be applicable to Orange Avenue as right-of-way had already been obtained for improvements to that roadway. Mr. Tedder clarified that the proposed right-of-way widths were reflective of typical setbacks.

County Commissioner Rackleff presented some slides demonstrating the application of the proposed right-of-ways would be too broad.

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City Commissioner Lightsey discussed the need for this amendment as a legal tool to facilitate the right-of-way preservation for future transportation improvements.

Ms. Kristine Williams, Project Manager, CUTR, explained that this was a standard practice of communities to have a starting point for administering development. She stated that these right-of-way widths were projections for future need.

Assistant City Attorney Hurst opined that without this amendment, the community had no tool to stop development in the future right-of-way.

County Commissioner Grippa determined from staff that Welaunee had been allowed smaller road widths as the result of a pre-existing Urban Services Agreement several years earlier, and he asked that the staff provide him with a copy of that agreement.

County Commissioner Rackleff moved to adopt Amendment -T-014 as modified to be applicable to properties fronting on Capital Circle only, and noted that they could consider the item again in another year. County Commissioner Grippa seconded the motion, which carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), in favor thereof.

City Commissioner Mustian moved a like motion on behalf of the City and upon second by Commissioner Gillum, the vote of the City Commission was unanimous 5/0, in favor thereof.

City Commissioner Lightsey clarified that this was a temporary measure, which would be brought back in the following year.

Amendments 2004-1-T-016, -T-017 and -T-018

County Commissioner Thael moved to approve Amendments 2004-1-T-016, 2004-T-017 and 2004 - T-018, and County Commissioner Grippa seconded the motion.

Mr. Tedder advised that Amendment -T-016 would do nothing to solve the problem of recreational facilities impacting on residential neighborhoods, and he recommended that the staff be allowed to bring another amendment back in the July cycle along with land development regulations to address that issue.

County Commissioner Grippa withdrew his second and the motion died for lack of a second.

Mayor Marks pointed out the LPA had recommended the denial of all three amendments, and Mr. Tedder advised that they provided no protection to the residential neighborhoods. County Chairman Sauls requested that the staff provide some clarification to the citizens in this regard.

Discussion continued and County Attorney Thiele opined that the neighborhoods could be protected from recreational impacts through the land development regulations without a Comprehensive Plan amendment.

Mayor Marks confirmed his desire to send a strong message to developers of such recreational facilities that impacts on the residential neighborhoods would not be tolerated, and County Chairman Sauls expressed her desire to have something in place to protect those neighborhoods.

County Commissioner Thael moved to approve Amendment 2004-1-T-016 as submitted and upon second by County Commissioner Grippa, the vote was unanimous, 6/0 (Commissioner Winchester was out of Chambers), in favor thereof.

City Commissioner Gillum moved to approve Amendment 2004-1-T-016 as amended by staff's modifying language. City Commissioner Katz seconded the motion and the vote of the City Commission was unanimous, 5/0, in favor thereof.

City Commissioner Katz moved to deny Amendments 2004-1-T-017 and -T-018 and upon second by Commissioner Lightsey, the vote of the City Commission was unanimous, 5/0, in favor thereof.

County Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to deny Amendments 2004-1-T-017 and 2004-1-T-018. The vote carried 4 - 2 (Commissioners Thael and Sauls voted in opposition and Commissioner Winchester was out of Chambers).

TRANSMITTAL OF AMENDMENTS TO FDCA

City Commissioner Katz moved to transmit all of the amendments that were tentatively approved by the City Commission for review by the FDCA and upon second by City Commissioner Lightsey, the vote of the City Commission was unanimous, 5/0, in favor thereof.

County Commissioner Thael moved to transmit all of the amendments that were tentatively approved by the County Commission for review by the FDCA and upon second by County Commissioner Rackleff, the vote of the County Commission was unanimous, 6/0 (Commissioner Winchester was out of Chambers), in favor thereof.

There being no further business, the Joint City/County meeting was adjourned at 8:21 p.m.

The County Commission recessed at 8:21 p.m. and reconvened at 8:36 p.m.

22. Second and Final Public Hearing on a Proposed Rezoning Ordinance Initiating Comprehensive Plan Map Amendment 2003-2-M-003

Pursuant to legal advertisement, the final public hearing was conducted on a rezoning application implementing Comprehensive Plan Map Amendment 2003-2-M-003. This rezoning proposes to change 28.91 acres fronting on the west side of Meridian Road and the south side of Gardner Road from Rural to Lake Protection. (Roland B. Woolsey, et al. owns the property.)

Commissioner Maloy moved, duly seconded by Commissioner Thael and carried

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unanimously, 6/0 (Commissioner Winchester out of Chambers), to approve Option 1:
Conduct the final public hearing and adopt the attached Leon County Ordinance Number
04-02 amending the Official Zoning Map from Rural to Lake Protection, based upon
findings of fact set forth in the agenda request:

23. First and Only Public Hearing to Amend the Land Development Code to Provide for a Planning Department Director Designee for the Architectural Review Board

Pursuant to legal advertisement, the first and only public hearing was conducted on a proposed amendment to the Leon County Land Development Code (LDC), providing for a Planning Department designee for the Architectural Review Boards (ARB).

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to approve Option 1: Conduct the one and only public hearing and adopt the proposed ordinance (No. 04-03) amending the Land Development Code providing for a Planning Department Director Designee for the Architectural Review Board:

24. Second Public Hearing on Amending Environmental Management Act for Tributary and Waterbody Buffers in the Lake Lafayette SDZ

Pursuant to legal advertisement, the second public hearing was conducted to consider an ordinance for tributary and waterbody buffers in the Lake Lafayette Special Development Zone (SDZ) as proposed.

Commissioner Grippa moved, duly seconded by Commissioner Maloy and carried unanimously (Commissioner Winchester out of Chambers), to change the 6-minute rule for citizens to speak to a 3-minute rule for this agenda item (due to the number of speakers and large agenda).

The Board advised that the proposed ordinance before the Board is the one that includes a memorandum from John Kraynak, GEM, and includes minor changes as recommended by George E. Lewis, II.

John Kraynak gave an overview of the issue and pointed out that this is the second public hearing for the Environmental Management Act for the tributary and waterbody buffer protection. On June 18, 2003, the Board passed a special development zone for the lake itself as well as the flood plain around Lake Lafayette in Special Development Zone B. The Board asked staff to go back and with a technical citizens group look at the SDZ; the group came up with the final recommendations, which is before the Board. The recommendation includes a 125-foot buffer on the tributaries and the waterbodies within the basin; there are provisions for reduction to the 125-foot buffer if the property owner chooses to do so by using scientific method using the "overland flow method" where consideration is given to slope and soils – his buffer could be reduced down to 75 feet. It can also be reduced by putting in stormwater facilities for larger commercial sites. Mr. Kraynak continued that the main impetus is to provide water quality protection for Lake Lafayette and all waterbodies within the basin that would be affected by this such as Lake Tom John and the ecological system adjacent to the waterbodies that help provide overall water quality protection.

Commissioner Winchester wanted to know when the proposed ordinance was made available to citizens since he had received calls from individuals who have not seen the ordinance. Mr. Kraynak explained that approximately 1,850 notices were mailed out and the ordinance was available on the Internet in the agenda package.

The following citizens appeared:

Paul Donovan, 3609 Morse Court, explained that he owns 3 acres out of 40 acres which is part of family land near Twin Lakes (southern side of Appalachee Parkway), and there is a manmade pond on the property that was built on the recommendation of the County Extension Agent in the early 1970's. Mr. Donovan stated that out of the three acres, a manmade pond, which leaves him 2 ½ acres, takes up approximately one-half acre. The proposed SDZ proposal would take 125 feet around his pond, which accounts for 85% of his property holdings. Mr. Donovan also pointed out that he has many 200+ live oaks on his property and much of them cover the remaining 15% of his property. If he has to cut down the trees, this would leave him with approximately 10% of his property for use. He suggested that the County look at individual interest of property owners and their intentions and find an alternative since this appears to be a taking of private property

Sherry Spiers, 320 Johnston Street, explained that she is an attorney who is representing Kathy Stocks, owner of residential property off Mahan Drive (near U.S. I-10) and also 2.3 acres of land which is undeveloped. This is part of 400 parcels that staff has identified that would be affected by the proposed ordinance. Ms. Spiers pointed out that there is a stream that bisects Ms. Stock's property and she is concerned how the ordinance will restrict the use - the manmade stream is outside the 100-year flood. She indicated that the criteria regarding buffers upon which the ordinance is to be based has not been met.

Ms. Spiers referred to page 1 of the proposed ordinance, (g) (1) Zone A which sets a 125 foot buffer from either side of the "tributary's centerline or top of bank." She suggested that everyone should be subject to the centerline requirement, which would be more equitable. She also referred to page 2 (1) "For previously platted lots of record located entirely within, or substantially within Zone A" and pointed out that there is no definition of "substantially within Zone A." She stated that staff advised her that it would mean at least 50 percent. Ms. Spiers suggested that the ordinance should specify the percentage.

County Attorney Thiele responded that the ordinance would be changed to "centerline" (rather than "centerline or top of bank") on page 1, (g) (1) and the correct percentage would be inserted on page 2, (g) (1).

Lee Vause, P. O. Box 1236, representing Fallschase and himself, appeared and indicated concern that the proposed ordinance involving land use regulations was not made available to the public in a timely fashion. He stated that the day the public notice is in the newspaper is when the public should be able to obtain a copy of the ordinance. He added that the letter that went out to notify owners of the public hearing was inadequate - it stated that all existing buildings would not be affected by the ordinance which is inaccurate; it stated that permitted stormwater facilities and waterbodies constructed in upland areas for agricultural and recreational purposes are exempt from the ordinance, which is inaccurate. Mr. Vause pointed out that there is a provision that exempts stormwater conveyances and raised the question: were property owners living along those ditches notified of the proposed ordinance. He explained that the caveat is that they are exempt as long as where they were located was never a water conveyance - he contends that every mosquito control ditch in the County and most major drainage ditches were constructed in areas that did carry water, i.e. creek beds, drainage areas, which makes them subject to this ordinance.

County Attorney Thiele that the County is only required to publish in the newspaper an advertisement with the caption of the ordinance at a specified time. There is no legal requirement that any individual notices be sent. Mr. Thiele opined that substantial modifications should not be made to the ordinance once it is noticed. He agreed that once the ad is run in the newspaper, there is obligation on the part of the County to have available, on the date of the advertisement, the ordinance, which is scheduled to be adopted without substantial modification. Mr. Thiele opined that if this was not accomplished, then the County has failed to do what was adequate under the Statutes.

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Commissioner Thael moved and was duly seconded by Commissioner Winchester to continue the public hearing until March 9, 2004 at 6:00 p.m. (An advertisement would be run again.)

Commissioner Grippa moved a substitute motion and seconded by Commissioner Maloy, that the public hearing be continued until there has been some progress made on the TMDL (total maximum daily load) process regarding an overall agreement on ways to deal with stormwater (which Commissioner Thael and City Commissioner Lightsey are coordinating); that the proposed ordinance be provided to Dr. Harvey Harper, engineer, for technical review since he is conducting the Lake Lafayette study and determining the effects the ordinance would have on cleaning up Lake Lafayette; to adjust the language on the Bradfordville settlement agreements; and for staff to provide a legal report (Burt Harris Act and other Acts) about taking of property and what risks there might be for lawsuits.

County Attorney Thiele reminded the Board that they are 26 months late on adopting Lake Lafayette Tributaries Ordinance. Commissioner Grippa pointed out that currently there is a buffer zone for tributaries that go into Lake Lafayette and the lake if buffered.

Commissioner Proctor suggested that the proposed ordinance implies a government taking since it restricts the use of people's property in the unincorporated area, and encourages annexation. He stated that the City should have the same standards as the County regarding protection of the lake.

Commissioner Rackleff indicated the importance of having some meaningful protection of tributaries so that lower Lake Lafayette can be protected and that everyone should contribute to the solution. He explained that 90% of the water that comes into Lake Lafayette comes through the tributaries and that no one has the property right to pollute water. He also pointed out that Dr. Harper has been assigned to conduct a study of upper Lake Lafayette and does not encompass the entire lake.

Commissioner Maloy stated that he wanted to know the impact the proposed ordinance would have on vested properties and platted lots.

Commissioner Winchester explained that the solution would be the joint stormwater plan for the City and the County. He indicated that fertilizers containing phosphorous and nitrogen were contributing to the pollution of the lake and suggested placing controls on the sale of those and suggested that staff provide an analysis. After some discussion, Commissioner Winchester indicated that he would provide information on the issue. John Kraynak, GEM, explained that another contributing factor was the permitting of more impervious area within the basin and noted that the "Volume Control Ordinance" (Agenda Item 19) ordinance would address this.

The substitute motion on the floor carried unanimously, 7/0.

The following speakers appeared:

Carlos Alvarez, 4550 Chaires Crossroad, stated that he fears that the Special Development Zone for Lake Lafayette will never be passed. He explained that he and seven other members of the Citizen Focus Group have met over the past year with the charge to develop protection standards for tributaries and waterbodies within the Lake

Charles Fish, 3200 Lord Murphy Trail, voiced opposition to the proposed buffer zone and circulated a newsletter from University of Florida, North Florida Research and Education Center, which is sent out to dairy farmers recommending a 50-foot buffer on a field where raw manure is spread. He suggested that the further away someone is from what is being protected, the narrower the buffer area should be - to require a 125-foot buffer from property that is ten miles away from the source is land grabbing.

Dr. Frasier Bingham, 1892 Witchtree Acres, stated that Lake Lafayette will never be clear and at least half of the water that goes into the lake is generated in the City and the City does not have a tributary buffer law. He stated that the ordinance would not have much affect on the lake unless the City also takes measures. He pointed out that if the buffer goes from 50 feet to 125 feet it would reduce the value of the properties directly affected and would reduce the number of the lots that can be developed in the County, which would reduce taxable property. There would be higher costs for land that is not affected by the ordinance.

John Mottice, 510 Vinnedge Ride, stated that he recently purchased a lot on Lake Tom John and has been working on his house plans. He stated that everyone in the County should be required to pay for and meet water quality standards and it is illegal to ask certain property owners to give up use of their property to meet a community-wide standard.

Roy DeCastro, 1036 Alameda Drive, explained that he has three acres with a 750-foot drainage waterway beside it, and according to the ordinance, 75 percent of his property cannot be built or expanded upon. Mr. DeCastro remarked that the 1,800 people affected by the SDZ should have to pay for the entire county.

Zoe Kulakowski, 1320 Blockford Court, stated that she has been participating in the County's focus group and is part of a City Citizen Group who will be asking the City Commission on Wednesday, to hold a public meeting to consider increasing the buffer around wetlands, lakes, and watercourses within the City. If the request were granted, the meeting would be held February 25th in the City Commission Chambers. Ms. Kulakowski explained that while the County has a treatment standard for stormwater for the first $\frac{3}{4}$ inch, the City adopted a treatment standard of 1-1/8 inch, so they are doing greater treatment on the stormwater upfront and the proposed buffer for tributaries are 50 feet, with the exception of Welaunee which will be subject to the same process as Southwood Development.

William Snyder, 6050 Shady Lane, explained that he owns 23 $\frac{1}{4}$ acres on a lake and he pays attention to the quality of the water on the lake, which serves as a holding pond. He stated that his property is probably about ten miles from Lake Lafayette - if a 125-foot buffer is required on his lake and has to be kept in a natural state it, would be overcome with vines and plant growth and the view to the lake would be blocked.

Laura Stone, 223 Valencia Drive, stated that she owns land off of Bucklake Road and is in the process of selling it. She voiced concern that she may not be able to sell the

property if the buffer is required since it would affect 10 acres of her property. She stated that it would take an exorbitant amount of money to keep up the lake.

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Jimmie McDaniel, 2901 Mystic Warrior Trail, stated that he is a biologist and lives on the edge of Welaunee Plantation. His children plan to build on the property and he voiced concern with the setback requirement with the manmade ditch running along his property line since it would prohibit a house from being built.

John King, 1279 Redfield Road, suggested that staff prepare to respond to the various complaints, especially when the complaint is not founded. Staff could describe to the owners, ways in which they could obtain variances since there are all sorts of mitigating clauses and conditionals in the proposed ordinance. Mr. King suggested an overall measurement of the cost of a whole series of regional stormwater ponds, which would probably be cost prohibitive. He pointed out that the efficiency of vegetative buffer for retaining and cleansing water is astoundingly efficient and encouraged the Board to continue moving towards adoption of the ordinance.

Commissioner Proctor suggested continuing looking at regional holding ponds, vegetative buffers, and all options for cleaning the water and controlling volume.

25. Public Hearing for the Pre-Application for Authorization of a Service Area to Operate a Water and Sewer System Serving Sable Chase Subdivision and a Sewer System for Other Properties in Killearn Lakes Unit II

Pursuant to legal advertisement, a public hearing was conducted on the pre-application for authorization of a service area to operate a water and sewer system serving Sable Chase Subdivision and a sewer system serving other properties in Killearn Lakes Unit 2.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 5/0 (Commissioners Sauls and Winchester was out of Chambers), to approve Option 1: Conduct the public hearing and authorize the service area to operate a water and sewer system serving Sable Chase Subdivision and a sewer system serving other properties in Killearn Lakes Unit 2. (Chairman Sauls later requested that her vote reflect the affirmative.)

The Board then entered discussion of Item 17.

County Attorney

Announced that the County had been granted intervenor status in the Wakulla County (N. G. Wade Investment) Comprehensive Plan Amendment review. A settlement negotiation meeting will be held at the Department of Community Affairs on Friday, February 20, 2004.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers, to extend the meeting to 11:40 p.m.

Discussion Items by Commissioners

Commissioner Grippa

- a. Requested that the County review whether or not employees, investing through deferred compensation and any other employee investment, are being subjected to illegal trade activities and what are the fees being charged to employees. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers).
- b. Asked that staff bring back an agenda item regarding the intentional lack of staffing by Amtrak at Railroad Station and the County's options to provide security and availability of restrooms. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers) to agenda the item.
- c. Requested an agenda item be brought back to the Board establishing a committee to study the Airport Gateway Corridor from Capital Circle SE to Downtown. Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to agenda.
- d. Requested that staff provide an update or report regarding resuming the mowing of Sun Ray Road.
- e. Asked that staff look into the possibility of installing a traffic light at the intersection of Bradfordville Road and Pisgah Church Road. Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester out of Chambers), to agenda.
- f. Requested that staff bring back a report on Killearn Lakes Septic Tank permits issued since the Special Development District for Units I and II was established.

The Board concurred to extend the meeting until 11:50 p.m.

- g. Referred to the Board's action taken on January 27, 2004 regarding Senate Bill 488 and pointed out that it was not on the agenda and was taken up at the end of a late meeting. Commissioner Grippa moved and was duly seconded by Commissioner Sauls (Vice-Chairman Thael assumed the Chair) to agenda Senate Bill 488 for discussion.

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Commissioner Rackleff remarked that a letter of support for SB 488 had already been sent. Commissioner Thael questioned the wisdom of setting a precedent by waiting too long to send letters of support or opposition for certain legislation, thereby losing the effectiveness because of lack of timeliness. The motion carried 4 – 2 (Commissioners Rackleff and Thael voted in opposition and Commissioner Winchester was out of Chambers).

- h. Commissioner Grippa raised the question: By the MPO voting on the MPO apportionment structure at the last MPO Meeting and if Mahan Drive becomes a MPO priority and is funded, does this mean the County has the ability to stop the Eastern Transmission line? County Attorney Thiele responded that the County might be able to have increased input and influence on the transmission line decisions and routing. Commissioner Grippa stressed the importance of the MPO voting structure to the County. Chairman Sauls announced that Commissioner Winchester would be the Board's representative on the apportionment vote.
- i. Requested that a "Welcome Home" banner for local-area military be placed outside the Courthouse.

Commissioner Proctor

- a. Requested a resolution for Mr. Fred Flowers and a resolution for Ms Doby Flowers, recognizing their courageous efforts in being the first African-American students to integrate FSU.
- b. Requested a resolution for Joe Bullard, WHBX 96.1 FM radio announcer, congratulating him on being the most popular on-air personality, tops in all demographics.
- c. Requested that staff schedule, after the NACo Conference, a District I Community Meeting.

Commissioner Thael

- a. Requested that Commissioners keep their colleague, Bill McGill, Gadsden County Commissioner, in their prayers because of his extended illness.
- b. Circulated a magazine advertisement by CDM Engineering touting the success of the County's Lake Munson Restoration Project.

There being no further business to come before the Board, the meeting adjourned at 11:55 p.m.

APPROVED: _____
Jane Sauls
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court